

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see REMARKS, filed 27 September 2010, with respect to rejection under 101 have been fully considered and are persuasive. The rejection of claims 1-4, 6, 8, 9, 11, 12, 14-20, 22, 23, 25-27, 40 and 41 has been withdrawn.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

2. A method for determining a likelihood of a fetus carried by a pregnant mother having a chromosomal abnormality using a first and second biological parameter, wherein these parameters are obtained at different stages of the pregnancy, and each of the first and second biological parameter have substantially no value at the second stage and first stage of pregnancy, respectively. As applicant has explained in the interview on 23 September 2010 and in the REMAKS filed on 27 September 2010, the first marker chosen is to be of substantially no value or of importance, but the second maker is of value and of importance at the first stage; furthermore at the second stage, the values and importance of the markers are of opposite values (i.e. the first marker is of value and the second marker is of no value), essentially the opposite of what is observed in the first stage of pregnancy. What the instant invention does which is not suggested or disclosed by the Davies reference by itself or in combination with the Nichollas reference is to measure markers at both first and second stage, even though they report no informative value and reducing the false positive rate. The markers

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chosen and the correlation of the markers of the instant invention for the reduction of the false positive detection rate are not disclosed nor suggested by Davies alone or in combination with Nichollas used in the prior Office Action.

3. Applicant has added new claims 42-44; since these claims depend on a now allowed claim, these claims are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE T. MUI whose telephone number is (571)270-3243. The examiner can normally be reached on Monday-Thursday 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on (571) 272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CTM

/CHRISTINE T. MUI/
Examiner, Art Unit 1774

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1774